

302 KAR 1:030. Bovine animals.

RELATES TO: KRS 247.610-247.685

STATUTORY AUTHORITY: KRS 247.655

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.655 authorizes the commissioner to establish and determine the rules and administrative regulations to conduct a referendum among producers of bovine animals for the purpose of promoting and stimulating by research, market development and education, the increased use and sale, domestic and foreign, of bovine animals and bovine animal products.

Section 1. Definitions. As used in these rules and administrative regulations, unless the context otherwise requires:

- (1) "Commissioner" means the Commissioner of the Department of Agriculture;
- (2) "Board" means the State Board of Agriculture;
- (3) "Producer" means every person who produces bovine animals and thereafter causes the same to be marketed;
- (4) "New producer" means a producer who was not engaged in the business of producing bovine animals at the time a referendum was conducted in accordance with the provisions in these rules and administrative regulations;
- (5) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity;
- (6) "Referendum agent" means an employee of the Department of Agriculture under the direct control of the commissioner;
- (7) "County referendum agent" means a person appointed by the commissioner, in a county where the bovine animal referendum is held, as his agent for the conduct of said referendum;
- (8) "Kentucky Beef Cattle Association" means an existing association, representative of bovine animal producers of Kentucky.

Section 2. Counties in which Referendum will be Conducted. The bovine animal referendum will be conducted in all of the 120 counties in Kentucky.

Section 3. Who may Vote. (1) Each person engaged in the production of bovine animals on a commercial basis, including the owners of farms on which bovine animals are produced, tenants and sharecroppers sharing in the proceeds of the sale of bovine animals shall be entitled to cast one (1) vote in the referendum, provided the producer is eighteen (18) years of age or older.

(2) Without limiting subsection (1) of this section, each person whose name regularly appears on checks issued in payment for the sale of bovine animals is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which bovine animals were produced. No person who certifies to the county referendum agent that he is a producer of bovine animals shall be refused a ballot but such person shall be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before such ballot is counted in the referendum.

Section 4. Voting Place. The commissioner shall establish a voting place in each county within the state where producers of bovine animals reside. The voting place must provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area at any one time. One (1) or more county referendum agents shall be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against said referendum will not be permitted

in the voting place.

Section 5. Hours for Voting. The voting places will be open for a period of time on the referendum date as set by the commissioner and eligible voters will be permitted to vote only during such period of time unless absentee voting is permitted pursuant to Section 7 of this administrative regulation.

Section 6. County for Voting. Voters will be permitted to vote only in the county of their residence. This means voters with cattle in one (1) county and their residence in another county will be permitted to vote only in the county of their residence. A corporate producer will be permitted to vote only in the county where its principal place of business is located. Eligible voters who reside outside the Commonwealth will be permitted to vote only in the county where their farm is located; or, in the case of farms in two (2) or more counties eligible voters who reside outside the Commonwealth may choose one (1) of the counties for voting purposes.

Section 7. Absentee Voting. Voting by absentee ballot may be permissible as determined by the commissioner at least thirty (30) days before the date set for the referendum; if permitted, the request for an absentee ballot shall be made in writing to the commissioner at least ten (10) days in advance of the referendum date. The absentee ballot must be signed and returned to the commissioner on or before the referendum date, before such ballot is counted in the referendum.

Section 8. Referendum Voting Date. The bovine animal referendum voting date will be set by the commissioner. This date will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of such referendum, and direct written notice thereof shall likewise be given to each county extension service agent in any county covered by such referendum.

Section 9. Supervision of Referendum and Duties of the County Referendum Agent. The commissioner shall provide the county referendum agent with a copy of these rules and administrative regulations to conduct said referendum. Each county referendum agent shall have in his possession and under his control a ballot box and the official ballot forms, indelible marking pens, and other supplies sufficient to operate each voting place as established in Section 4 of this administrative regulation. Each prospective voter must identify himself to the county referendum agent; and such person will be required to sign a registration book giving their name and complete mailing address. Upon signing the registration book, each prospective voter will receive an official ballot from the county referendum agent. The official ballot after it has been completed by each eligible voter shall be placed in the ballot box by said voter.

Section 10. Approved Ballot Forms. The commissioner shall furnish each county referendum agent with official ballots. Also, the approved ballot shall show that the bovine animal producer is voting on the question presented to producers of bovine animals pursuant to KRS 247.660.

Section 11. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to insure that the information on the ballots is held in confidence. The county referendum agent shall mail all marked ballots and registration book the day following the voting in the bovine animal referendum to the Department of Agriculture in a properly secured manila envelope or folder.

Section 12. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the posses-

sion of the commissioner, the referendum agent, and the county referendum agents shall be regarded as confidential. The commissioner shall retain the records, the ballots, the result of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of twelve (12) months.

Section 13. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the department's offices to be used for counting the votes cast in the referendum. The vote count shall be conducted by employees of the department, but the Kentucky Beef Cattle Association and any organization actively engaged in the production of bovine animals in Kentucky may each have one (1) representative present during the counting of the votes. Such organization must establish, to the satisfaction of the commissioner, that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 14. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum. (3 Ky.R. 183; eff. 9-1-76; Am. 12 Ky.R. 30; 345; eff. 9-10-85.)